APHC010014222025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

MONDAY, THE 5th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 1254 OF 2025

Between:

1. NUNE JAYAPRAKASH, S/o. Rangaiah, aged 46 years, Occ Pvt Employee, R/o.BaIijapaIIi(V), R.C.Puram Mandal, Tirupati District.

...Petitioner

AND

1. THE STATE OF AP, rep by its Principal Secretary, Home Department, Secretariat, Velagapudi, Guntur.

2. Superintendent of Police, Tirupati, Tirupati District.

3. Deputy Superintendent of Police, Chandragiri, Tirupati District.

4. Sub Inspector of Police, R.C.Puram Police Station, R.C.Puram, Tirupati Dist.,

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ/Order/ Direction more particularly one in the Nature of Writ of Mandamus declaring the action of the respondents in interfering with civil disputes among the family members of the Petitioner despite of Legal

Notice dt.03.01.2025 as illegal, arbitrary, without jurisdiction besides violation of Art14 and 21 of the Constitution of India and consequently direct the respondent police not to interfere with civil disputes among the family including life and liberty of the Petitioner forthwith and to pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 4th Respondent not to call the Petitioner to its Station for settling the civil disputes forth-with pending disposal of the Writ Petition and to pass

Counsel for the Petitioner: SRINIVASULU KURRA

Counsel for the Respondents: GP FOR HOME

APHC010032442025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

MONDAY, THE 5th DAY OF OCTOBER 2026
PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 1719 OF 2025

Between:

1. R NAVA KUMAR, S/o Aseervadam (Late), Aged about 50 years, Occ. Parish Pastor, Andhra Evangelical Christ Lutheran Church A Class Parish, Narsapur,, W.G.Dist, A.P.

...Petitioner

AND

1. THE STATE OF ANDHRA PRADESH, Rep. by its Principal Secretary, Home Department, Secretariat Buildings, Velagapudi, Guntur District.
2. The Director General of Police, State of Andhra Pradesh, A.P. police Station Head Quarters, Mangalagiri, Guntur District,
3. The Superintendent of Police, West Godavari District, Bhimavaram.
4. The Deputy Superintendent of Police, Narsapuram Sub- DMsion, Narsapuram, W.G.District., A.P.
5. The Circle Inspector of Police, Narsapuram Circle Narsapur, W.G.District., A.P
6. The SubInspector of Police, Narsapur Town P.S., Narsapuram W.G.Dist., A.P
7. Rev M A S Martins, S/o John Bob Martins, Aged about 53 years. Pastor under suspension, Narsapur, W.G.Dist,A.P.
8. Manukonda Krupavaram, W/o Jacob, Aged about 53 years, Occ Ex-Chariman, Andhra Evangelical Christ Lutheran Church A Class Parish, Narsapur,, W.G.Dist, A.P

9. Pitta Sundara Babu, S/o. Willingstone, Aged about 45years, Occ. Ex-Treasurer, Andhra Evangelical Christ Lutheran Church A Class Parish, Narsapur,, W.G. District.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction, especially one in the nature of Writ of Mandamus, declaring the inaction on the part of the Respondents 2 to 6 herein in preventing the Respondents 7 to 9 herein from illegal interference of installation programme and regular duties of the petitioner as a Parish Pastor of Christ Lutheran Church of Narsapur of West Godavari Synod of the AEL Church is illegal, arbitrary, unreasonable, violation of Article 14, 19 and 21 of Constitution of India and besides violation of Police Standing Orders and consequently direct the Respondents 2 to 6 herein to prevent the Respondents 7 to 9 herein from interfering with the installation programme and regular duties of the petitioner in the church activities and pass such

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to direct the Respondents 2 to 6 herein to prevent the Respondents 7 to 9 herein from interfering with the installation programme and regular duties of the petitioner as a Parish Pastor of Christ Lutheran Church of Narsapur of West Godavari Synod of the AEL Church, Pending disposal of the Writ Petition, and to pass such

Counsel for the Petitioner: SARASCHANDRA BABU JAKKAMSETTY

Counsel for the Respondents: GP FOR HOME

Counsel for the Respondents: G TUHIN KUMAR

APHC010005342025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

MONDAY, THE 5th DAY OF OCTOBER 2026
PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 329 OF 2025

Between:

1. REV.M.A.S. MARTINS, S/o M.A.J.B.Martins, Aged about 51 years, Occ Parish Pastor, Christ Lutheran Church, Narsapur, West Godavari District.
2. Christ Lutheran Church (AELC),, Narsapur, rep. by Rev. M.A.S.Martins, S/o M.A.J.B.Martins, Opposite to BSNL office. Church Road, Narsapur, West Godavari District.

...Petitioners

AND

1. THE STATE OF ANDHRA PRADESH, rep. by its Principal Secretary, Home Department, Secretariat, Velagapudi, Amaravati, Guntur District, A.P.
2. The Superintendent of Police, Bhimavaram, West Godavari District.
3. The Deputy Superintendent of Police, Narsapur Division, Narsapur, West Godavari District.
4. The Station House Officer, Narsapur, West Godavari District.
5. The SubInspector of Police, Narsapur Town, West Godavari District.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an Order of Orders or directions more particularly one in nature of Writ Mandamus, declaring the action of the 3rd Respondent in interfering by orally directing the Petitioner not to perform the worship in the Christ Lutheran Church, Narsapur, West Godavari District, despite the appointment order issued by the competent authority being still in force and contrary to the undertaking given by the 4th and 5th Respondents that they

will not interfere with the day to day affairs of the petitioner upon which the Writ Petition No. 12680/2022, Dated 02.8.2022 which has become final as illegal, arbitrary, unconstitutional amounting to interference with the civil disputes and violative of Article 14, 19 of the Constitution of India and consequently direct the Respondents particularly the 3rd Respondent not to interfere with the day to day prayers/worship including Sunday congregations without any authority under law in respect of the Christ Lutheran Church, Narsapur, West Godavari District and pass such

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to direct the respondents, particularly the 3rd respondent not to interfere with the day-to-day worship/prayers in the petitioner's church, Christ Lutheran Church, Narsapur, West Godavari District, in the interest of justice pending disposal of the main writ petition and pass such

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Implead the Petitioner/Proposed Respondent No.6 as Respondent No.6 in WP.No. 329 of 2025 as well as the Interlocutory Applications and pass

Counsel for the Petitioners: ELEVATED AS JUDGE

Counsel for the Respondents: GP FOR HOME

APHC010033232025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

MONDAY, THE 5th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 1766 OF 2025

Between:

1. NUKATATTU GAVARAMMA, W/o. Krishna, aged 53 years, Occ. Housewife, R/o. Illapalli Village, Biccavolu Mandal, East Godavari District.
2. Boggarapu Raju,, S/o. Venkateswarlu, aged 64years, Occ. Tailor, R/o. D. No. 14-6-86, Near Government High School, Pandurangapuram (V), Khammam Urban, Khammam District, Telangana State.
3. Boggarapu Sai Kumar,, S/o. Raju, aged 30 years, Occ. Private Employee, R/o. D. No. 14-6-86, Near Government High School, Pandurangapuram (V), Khammam Urban, Khammam District, Telangana State.

...Petitioners

AND

1. THE STATE OF AP, Represented by its Principal Secretary, Home Department, Secretariat Buildings, Velagapudi, Guntur District.
2. The Superintendent of Police, East Godavari District.
3. The Station House Officer, Biccavolu Police Station, East Godavari District.
4. Nukatattu Dharma Raju, S/o. Veeraswamy, aged 58 years, R/o. Marripudi Village, Rangampeta Mandal, East Godavari District.
5. Ravi Chandra Kumar Vasamsetti, Station House Officer (SI of Police), Biccavolu Police Station, East Godavari District.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue order, writ or direction more particularly one in the nature of

Writ of Mandamus declaring the action of the respondent in calling the petitioners to the police station without there being any crime registered against them to settle scores in a civil issue existing between the husband of the petitioner herein and the 4th respondent pertaining to residential house admeasuring Acs.0.10 cents in Survey No.83 at SC Peta, of lilapalli Village, Biccavole Mandal, East Godavari and consequently direct the 3rd respondent not to harass the petitioners herein for their presence before the 3rd respondent herein by involving in the civil dispute existing between them and the 4th respondent herein and to pass such

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to direct the 3rd respondent herein not to insist the petitioners herein appearing before him by interfering with the civil dispute existing between the petitioners herein and the 4th respondent herein, pending disposal of the writ petition and pass such

Counsel for the Petitioners: RAMESH BABU TALLURI

Counsel for the Respondents: GP FOR HOME

APHC010050562025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

MONDAY, THE 5th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 2589 OF 2025

Between:

1. PENUGONDA ANANTHA SUBRAMANYA KESAVA RAO, S/o. Sambarao, Age 66 years, Occ. Business, R/o. Flat No.77, Kamala Happy Homes, Markapur, Prakasam District.

...Petitioner

AND

1. THE STATE OF ANDHRA PRADESH, Rep.by its Principal Secretary to the Government, Home Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Superintendent of Police, Prakasam District at Ongole.
3. The Deputy Superintendent of Police, Markapur, Prakasam District.
4. Inspector of Police, Markapuram, Prakasam District.
5. The Station House Officer, I-Town Police Station, Markapur, Prakasam District.
6. Penugonda Venkata Narasimha Rao, S/o. Sambarao, Aged 64 years, Occ. Business
7. Penugonda Venkata Lakshmi Kumari, W/o. Venkata Narasimha Rao, aged 50 years Occ. House Wife
8. Penugonda Samba Siva Kumar, S/o. Venkata Narasimha Rao, Aged 29 years, Occ. Employee Respondent 6 to 8 are R/o. Radham Bazar, Markapur Town Prakasam District.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of respondents particularly respondents No.4 and 5 in insisting the petitioner to appear before their authority and yield to the terms of Respondent Nos.6 to 8 connected civil disputes in respect of petitioner RCC Building property which was allotted to his share under registered partition deed dated 31.12.2021 executed between the petitioner, 6th respondent and others as illegal, irregular, irrational, without any authority or sanction of law, violative of principles of natural justice and offends Articles 14, 21 and 300A of Constitution of India and consequently direct the respondents, particularly respondent No.4 and 5 not to interfere in any manner with his personal life, liberty and property matters and pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents, particularly respondent No.4 and 5 not to interfere with petitioners' personal life, liberty and property matters nor insist him to appear their authority, pending disposal of the main Writ Petition and pass

Counsel for the Petitioner: NIMMAGADDA REVATHI

Counsel for the Respondents: GP FOR HOME

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NOS: 1254, 1719, 329, 1766 and 2589 of 2025

COMMON ORDER:

As the issue involved in all the Writ Petitions is one and the same and in view of the consent expressed by both the parties, the batch of Writ Petitions is disposed of by way of common order.

2. Overall sum and substance of the instant *lis* is that when the matter is *sub judice* before competent Civil Courts, appropriate forums, interference of police in respect of the very same subject properties *inter-se* parties is under challenge in these Writ Petitions, mainly on the ground that the police have no jurisdiction to interdict or determine the civil rights of the parties.

3. Learned counsel for the petitioners draws the attention of this Court to the relevant provisions enunciated in the Bharatiya Nyaya Sanhita, 2023, the Bharatiya Nagarik Suraksha Sanhita, 2023 and the Police Act, 1861. Substantiating their assertions, learned counsels also relied on ***J.Lakshmi @ Lakshamamma & Another Vs. Commissioner of Police & Others***[1] and ***G.B.C.Raj Gopal Vs. The Government of Andhra Pradesh, Represented by the Principal Secretary***[2].

4. Sri P.Ajay Babu, learned Assistant Government Pleader for Home, while denying the averments made in the affidavit filed in support of the Writ Petitions, submitted that the respondent-police never called the petitioners to the respective police stations and that they will not interfere with the civil disputes *inter se* parties, unless any crime is registered for commission of any

[1] 2004 (2) ALD Cr.477
[2] 2014 SCC OnLine AP 322

cognizable offences. Learned Assistant Government Pleader fairly brought to the notice of this Court the categorical instructions (dealing with land disputes) of the Director General of Police, Andhra Pradesh vide No.76/DGP's Peshi/ 2025 dated 24.10.2025 to the concerned police personnel. He also read out the relevant paras of the same, for the sake of a comprehensive view, which are extracted hereunder:

> *It has been observed that land-related disputes, both private and government, are increasingly being reported across several districts. These disputes are often escalating into law and order situations, leading to communal tension, violent altercations, and property damage. Even minor disagreements over land boundaries or ownership are, in some instances, turning into major conflicts due to political, caste, or community dimensions being injected into the issue.*
> *xxx*
> *4. All Unit Officers and Range Officers are hereby directed to evolve a comprehensive district-wise strategy to identify, monitor, and resolve land dispute-related issues in coordination with the Revenue and Judicial authorities. The following course of action shall be strictly adhered to:*
> *(a) Preventive Measures under Law:*
> 1. *In cases where law and order disturbances are likely, the police must initiate preventive proceedings under BNS in coordination with revenue authorities and, where necessary, bind over the parties under preventive sections.*
> 2. *The local police should immediately bring the matter to the notice of the concerned Executive Magistrate and ensure that prohibitory orders are issued promptly to prevent breach of peace.*
> 3. *In every such case, the local CI/SDPO must personally supervise the situation until the dispute is brought under control or referred to competent authorities.*
>
> *(b) Coordination with Revenue & Judicial Authorities:*
> 1. *In cases involving civil ownership or title disputes, police should not take sides or interfere in the civil adjudication process.*
> 2. *However, close coordination with Tahsildars, RDOs, and Revenue Divisional Officers must be maintained to ensure timely demarcation, eviction, and enforcement of legal orders.*
> 3. *The District Collector and SP/CP shall jointly review sensitive land disputes at least once every month to assess potential flashpoints.*

(c) Registration of Criminal Cases:

1. *When criminal intent or violence is evident—such as trespass, cheating, forgery, assault, or criminal conspiracy—appropriate criminal cases shall be registered under relevant sections of the Bharatiya Nyaya Sanhita, 2023.*
2. *Particular attention should be given to repeat offenders and politically motivated land grabbers, who often exploit technicalities in the civil process to encroach upon land or disturb peace.*
3. *Ensure speedy investigation and charge-sheet filing in such cases to deter others from similar behaviour.*

(d) Monitoring & Accountability:

1. *District SB shall prepare and maintain a Land Dispute Risk Register, classifying disputes as Low / Medium / High Risk based on communal sensitivity, violence potential, and local influence factors.*
2. *The SP/CP shall personally monitor the top 10 high-risk disputes in the district and submit a monthly status report to PHQ through the Range DIG concerned.*
3. *Any negligence, delay, or failure to act preventively leading to violence will be viewed seriously, and disciplinary action will be initiated against the responsible officers.*
4. *It is reiterated that Police do not play any role in deciding ownership or possession, which falls exclusively under the purview of civil courts and revenue authorities. However, police intervention becomes mandatory when there is a threat to public peace, life, or property, or when criminal acts arise from such disputes. Officers must therefore strike the right balance between legality and prevention, ensuring that law and order is preserved without overstepping jurisdictional limits.*

5. *The above instructions shall be implemented in letter and spirit, and Range DIGs shall review compliance during their district inspections and monthly law & order reviews.*

Emphasis supplied

5. Learned counsels for the unofficial respondents submits that in view of the ground realities and criminality attached to the disputes *inter se* parties, they rightly approached police personnel and, as such, there are no procedural or jurisdictional irregularities. However, they have not disputed the factum of pendency of civil suit between the parties.

6. In light of the above facts and circumstances of the case, the core common issue to be determined in the present batch of cases is:

> Whether the police have any jurisdictional powers to interfere or determine the civil rights of the parties, more particularly, pending the disputes before competent Civil Courts or statutory forums or not?

7. Heard learned counsels for the petitioners and learned Assistant Government Pleader for Home appearing on behalf of official Respondent-State, as well as learned counsels for the unofficial respondents and perused the entire material available on record.

8. Police have a statutory duty to maintain law and order and preserve public peace and safety. They are primarily responsible for preventing crime, controlling situations that may lead to breach of the peace, protecting the lives and properties of people, and taking lawful action against persons who engage in violence, threats, intimidation, or other unlawful activities. The police may also take necessary preventive measures when there is anticipation of disturbance or danger to public order. Thus, the essential role of Police is to prevent unlawful acts, protect people and property, maintain peace, and ensure that individuals are able to carry on their lawful activities, without unlawful interference.

9. In fact, when the statutory powers are conferred on the particular wing more particularly, judicial/quasi-judicial forums and the respective forums have seized the matter and dealt with the matter as per the prescribed procedure,

no other executive authority, who is not vested with such adjudicatory powers under the relevant statutory framework, cannot encroach upon or usurp the powers of such exclusively vested jurisdictional powers of the competent forums and deal with the rights of parties contrary to the fundamental principles of law, if anything, going contrary to the prescribed tenets amounts to acting without jurisdiction under the principles of law.

10. In the scheme of Constitution of India, the duty to resolve civil disputes is entrusted to the judiciary. No such power is empowered to the Police. Interference in a pending civil dispute or a potential civil dispute between two citizens or two groups is not within the province of the police. Furthermore, if a cognizable offence is reported to the police even as per the enunciated scheme of the Bharatiya Nagarik Suraksha Sanhita, 2023, (for brevity “BNSS 2023”), it is the duty of the police to register and investigate the crime to unravel the truth and submit a report by way of charge sheet or final report to the concerned jurisdictional Court only. Thereafter, it is the duty of the competent Court to adjudicate the case after providing reasonable opportunity to the parties as well by following statutory procedures and to reach its logical conclusions, as per its jurisdictional sphere. It is well settled that judicial power is a sovereign power which can be conferred only by constitutional as well as statutory schemes, and it cannot be taken away or assumed S*uo motu* by any other authority on its own, which is contrary to the well-settled legal principles.

11. Coming to the instant issue, the Police Department, which has no jurisdiction to determine civil rights *inter se* parties, seeking to take over the

powers vested in another statutory forum may lead to multifarious problems and anomalies, not only affecting the functioning of said police wing, but also prejudicing the rights of the parties, furthermore, to the societal interests too.

12. It is apt to note that Courts in our Indian context generally would not assume the role of an investigative agency, unless it is required, so why, because it is in the orbit of an investigative agency empowered with fundamental duties in their domain.

13. Interesting facet in this context is that, evidently, the executive magisterial authorities such as Mandal Level, Sub-Divisional Level, District Level officers, though they are empowered under the provisions of the BNSS, 2023 & BNS, 2023 as well as other Legislative regimes to initiate statutory measures, such as maintaining public peace and security and also preventing breach of law, the said executive powers also came to a halt when the competent Judicial Forums, such as Civil Courts, seize the subject in issue, *inter se* parties.

14. For better understanding, Section 164 BNSS, 2023 (corresponding to Section 145 of CrPC, 1973) deals with disputes relating to land, water, buildings or their boundaries which are likely to cause a breach of peace. Under this provision, where a dispute exists about the actual possession of the disputed property, the Executive Magistrate may initiate appropriate proceedings in accordance with law and require the concerned parties to appear before him and submit their respective claims, along with such

material as they may seek to rely upon, regarding the actual possession of the property in question. An Executive Magistrate primarily determines who is in actual possession of the property, rather than adjudicating the ultimate question of ownership or title. Where necessary, particularly when the possession cannot be ascertained, or there is an immediate likelihood of breach of peace, the property may be attached, until the competent Court determines the rights of the parties. The primary purpose of Section 164 BNSS, 2023 is to prevent disputes from escalating into violence and to maintain peace and public order. Thus, even as per the provisions of BNSS, 2023 also, when competent Judicial authority seized the dispute *inter-se* parties over the very same subject property, executive magisterial powers come to be very minimal.

15. In light of the above perception, it is relevant to note some of the expressions of the Hon'ble Supreme Court of India which are as under:

> In ***Mohd. Abid and Others v. Ravi Naresh and Others***[3], the Hon'ble Supreme Court held that where the competent Civil Court has already seized itself of the dispute concerning the same property, the proceedings under Sections 145 and 146 CrPC, 1973 cannot be permitted to continue in parallel. Determination of the *inter se* rights of the parties relating to title or possession ultimately falls within the jurisdiction of the Civil Court, whereas the proceedings before the

[3]2022 SCC OnLine SC 2416

Executive Magistrate are intended only as a preventive measure to avert a breach of peace.

> ***"4.*** *Once the Civil Court is seized of the matter, it goes without saying that the proceedings under Section 145/146 Cr.P.C., cannot proceed and must come to an end. The inter-se rights of the parties regarding title or possession are eventually to be determined by the Civil Court."*

16. In ***Mohd Shakir v. State of UP***[4]***,*** Apex Court held that even while dropping proceedings under Section 145 Cr.P.C., an executive Magistrate cannot make observations on the respective rights in respect of the subject property, as it is the exclusive domain of the Civil Court.

17. Hon'ble Supreme Court of India, while interpreting the statutory regime in respect of the powers of the Courts in ***Shailesh Kumar Singh alias Shailesh R.Singh v. State of Uttar Pradesh & Ors.***[5]*,* held that while exercising jurisdiction under Article 226 of the Constitution of India or Section 482 CrPC, the Court must examine the allegations in the FIR and the material on record to ascertain whether the ingredients of any criminal offence are disclosed. The criminal process cannot be permitted to be used as a means for recovery of a monetary claim arising out of a commercial dispute, and quashing of criminal proceedings cannot be made subject to payment of a specified amount to the complainant. Where the dispute is essentially civil or commercial in nature, the parties are at liberty to pursue the appropriate civil remedy.

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[4]2022 SCC OnLine SC 2389
[5] 2025 SCC OnLine SC 1462

18. In this context, it is trite to quote the specific observations of the Apex Court in *Shailesh Kumar Singh's case (supra), which reads* are as under:

> *"11. The entire case is squarely covered by a recent pronouncement of this Court in the case of "Delhi Race Club (1940) Limited v. State of Uttar Pradesh", (2024) 10 SCC 690. In the said decision, the entire law as to what constitutes cheating and criminal breach of trust respectively has been exhaustively explained. It appears that this very decision was relied upon by the learned counsel appearing for the petitioner before the High Court. However, instead of looking into the matter on its own merits, the High Court thought fit to direct the petitioner to go for mediation and that too by making payment of Rs. 25,00,000/- to the 4th respondent as a condition precedent. We fail to understand, why the High Court should undertake such exercise. The High Court may either allow the petition saying that no offence is disclosed or may reject the petition saying that no case for quashing is made out. Why should the High Court make an attempt to help the complainant to recover the amount due and payable by the accused. It is for the Civil Court or Commercial Court as the case may be to look into in a suit that may be filed for recovery of money or in any other proceedings, be it under the Arbitration Act, 1996 or under the provisions of the IB Code, 2016.*
> *12. xxx*
> *13. …. Money cannot be recovered, more particularly, in a civil dispute between the parties by filing a First Information Report and seeking the help of the Police. This amounts to abuse of process of law."*

Thus, from the above vivid opinions of the Apex Court, it is too well settled that the police have no Jurisdiction to meddle with civil rights *inter se* parties.

19. It is relevant to note that when the police interfere with the rights of the parties without any lawful or jurisdictional authority, such interference can have serious and far-reaching consequences, not only for larger societal interests but also the very functioning of the police and the discharge of their statutory duties. For instance, if a Station House Officer of a prominent and sensitive police station, along with his subordinate personnel, engages in resolving civil disputes based on his own whims and fancies, without any

jurisdiction conferred upon them, it would affect all the stakeholders in the civil disputes and give rise to far more complications. Ultimately, such conduct would also adversely affect the maintenance of law and order and the effective discharge of their own statutory policing duties also which is not good for the societal interest as well as the police department's interest too.

20. In the above scenario, it is pertinent to note different expressions of the Constitutional Courts while dealing with the rights of police in interfering with the civil rights of the parties. In ***J. Lakshmi @ Lakshmamma and Anr. vs Commissioner of Police***[6]**,** the High Court of Andhra Pradesh at Hyderabad reiterated that the police authorities have no jurisdiction to interfere with the disputes or to compel the parties to arrive at a settlement through police intervention. Determination of civil rights and disputes relating to title or possession purely falls within the domain of the Civil Court, and police cannot assume such adjudicatory powers. The High Court, while observing that police cannot interfere in civil disputes, observed as under:

> *"4. The Supreme Court has repeatedly held that when the dispute is purely of civil nature, the jurisdiction under Article 226 of the Constitution cannot be exercised. The Supreme Court also repeatedly laid down that when the dispute between the two citizens is of civil nature and no crime is registered, police have no jurisdiction to interfere in the civil dispute. Further, when there is a civil litigation either before the court of law or before the tribunal, the police have no jurisdiction to interfere in the civil disputes. Further, when there is a civil litigation either before a court of law or before a tribunal, the police cannot interfere and even if a complaint is made in relation to such dispute pending in a civil court, the citizens have to be advised to resolve the dispute through a duly constituted court of law.*
> *In the scheme of the Constitution of India, the duty to resolve civil disputes is entrusted to judiciary. Police have no such power. Any*

[6]2004 SCC OnLine AP 29

interference by police in a pending civil dispute or a potential civil dispute between two citizens or two groups of citizens is not within the province of the police. Furthermore, if a cognizable offence is reported to the police, it is the duty of the police to register the crime under Section 154 of the Code of Criminal Procedure, 1973 (Cr.P.C.,) and take up investigation immediately. In a given case, even if a civil dispute, to say a land dispute, is pending before a civil court and if the quarrel between the two warring parties has a potential of resulting in a law and order problem posing threat to the society at large, the police can always take up the case only after registering the crime under Section 154 Cr.P.C. Without registering the crime and without any reason the police cannot interfere."

21. In ***G.B.C. Raj Gopal vs. The Government of A.P., Rep. by the Principal Secretary (2014)***[7], High Court of Andhra Pradesh, at Hyderabad, while stating that the police have no jurisdiction to adjudicate civil or property disputes *inter se,* parties opined that:

"51. The function of resolving civil disputes is entrusted to the judiciary. Police officers lack jurisdiction to interfere in civil/property disputes between two citizens. Even in criminal case, their role is limited to the registration of complaints and causing investigation. The power to adjudge whether or not an accused is guilty of having committed a criminal offence, and to convict and sentence him therefor, is vested exclusively in the judicial branch of the State. Judicial power cannot be exercised by agencies outside the judicial orbit and, where there is no legislative foundation for exercise of judicial power by a forum, it has no legal capacity to entertain requests for adjudication. Judicial power is a facet of sovereign power and can be conferred only by a Statute or by a Statutory instrument. It cannot be assumed suo motu*. No authority may exercise adjudicatory powers absent a conferment of such powers by Statutory instruments. The coercive power of the State may not be employed to adjudicate disputes. (M/s. Janathaem Industries Ltd., rep., by its Public Relations Officer M.S. Ganesan, Vijayawada v. The District Collector, Krishna district at Vijayawada)."*

22. Thus, once the statutory powers that are conferred on the Executive Authorities itself come into the plunge with the intervention of Civil Courts, the very fundamental, foundational fact that the police authorities have not been

[7]2014 SCC OnLine AP 322

conferred adjudicatory powers under the statutory scheme either in terms of provisions of BNS, 2023 or BNSS, 2023 nor under police laws, police interference with the civil disputes of parties is *per-se* illegal, arbitrary and absolutely without jurisdiction; moreover, it is diametrically opposed to the constitutional vistas.

23. It is also well settled that where the legal position on an issue stands authoritatively settled by the Supreme Court, it is not necessary to multiply authorities by referring to a catena of judgments reiterating the same proposition. In furtherance of the above settled proposition, this Court is not venturing into referring similar dictums.

24. Yet another facet is that, even as per the data records, though Andhra Pradesh police population is approximately 166.18 per one lakh population, however, as per the United Nations recommendations, a Police-Population ratio of 222 per lakh is required for apt policing. Hence, overall perception also suggests that police, extending their limited forces, infrastructural facilities and professional powers towards non-Jurisdictional arenas, may leads to futile exercise except for the “unjust enrichment” of some of police personnel's interests, which is *per se* illegal and unconstitutional and also against the letter and spirit of our “Indian Constitutional” tenets, as well as antithesis to ***“Salus populi suprema lex esto”*** (Let the welfare of the people be the supreme law).

25. Recently, in ***Rohit Chaturvedi v. State of Uttarakhand***[8], the Supreme Court of India reiterated that executive action having a bearing upon the personal liberty of an individual must satisfy the constitutional requirement of fairness and non-arbitrariness under Article 21 of the Constitution and held that the exercise of executive discretion affecting liberty cannot be allowed to remain uncanalised and must be based on relevant and rational considerations. Apex Court also emphasized that deprivation of liberty must have a lawful, rational and constitutionally sustainable basis and cannot rest upon a cryptic or unexplained executive decision.

26. In this context, it is apt to note some of the ground realities and problems that existed in our contemporary society, from the backdrop of the colonial phase too. In fact, Sri Upendra Baxi, a renowned law scholar, observed that “the colonial police survived decolonization; it simply changed masters”, highlighting the continuity of the colonial policing system even after India attained independence. The police structure, methods and legal framework largely continued to reflect the colonial model, mainly based on the Police Act, 1861, which was primarily designed to maintain order, control the population and protect the interests of the ruling authority, rather than to function as a citizen-oriented service. Thus, although the British rulers were replaced by an elected Indian government, the basic institutional character of the police remained substantially unchanged. Hence, all the stakeholders contribute their respective support to change the overall existing police

[8]2026 SCC Online SC 865

structures from the colonial phase to people-centric policing in the larger interest of modern Indian and turns into Democratic policing, which means a system of policing in which the police exercise their powers within the limits of law, remain accountable to constitutional and democratic institutions, and respond to the legitimate needs and rights of the people.

27. In considered opinion of this Court, after perceiving the overall facts and circumstances of the core issue in the present batch of cases, police are entrusted with the responsibility of protecting life, liberty, rights and public order, but they are not an authority above the people. Police powers are conferred by law and must be exercised fairly, reasonably and proportionately. Thus, the police must act as guardians of the constitutional principles, rather than as rulers exercising unchecked authority over citizens. It is significant to note the dictum of the Supreme Court held in ***Prakash Singh vs. Union of India,***[9] which plays a pivotal role in our Indian police reforms. Apex Court, through its thoughtful consideration, formulated seven (07) directives in the Prakash Singh's case so as to strengthen the existing policing into more professional, accountable and independent from unnecessary interference from other quarters. Eminent legal personality Sri Solij Sorabjee, who was the chairman of the Committee, contributed to formulate the Model Police Act, 2006 (MPA), which was a model draft legislation prepared by the Government of India and circulated to the respective State Governments for enact or amend the existing Police legislations. It seems only some State Governments

[9] 2006 (8) SCC 1

have passed their local Police laws inspired by the MPA, 2006. It is also apt to note that subsequently, the Department-Related Parliamentary Standing Committee on Home Affairs also forwarded its Report mentioning subsequent developments on police training, modernization, and reforms by taking note of previous Police Reforms Committees etc.

28. In essence, when the police interfere with the rights of parties, without any lawful or jurisdictional authority, such interference can have serious and far-reaching consequences, not only on larger societal interests but also the very functioning of the police too. Hence, clear boundaries of functions of law enforcement agencies and judicial functions should be maintained.

29. All in all, from the overall facts and circumstances coupled with statutory regime as well as well-settled legal principles by the Supreme Court and other constitutional Courts, it is unequivocally settled that the police have no jurisdiction to adjudicate upon or determine the civil rights of parties *inter se*. The determination of civil rights is within the domain of Civil Courts and other legislative-conferred forums only. Accordingly, the core issue is answered.

30. Accordingly, these Writ Petitions are disposed of as under:

i. Respondent-Police are directed not to interfere or adjudicate or determine or settle the civil rights of the parties, without legal cause.

ii. Respondent-Police personnel to follow the guidelines issued by the Director General of Police, Andhra Pradesh, *vide* Communication No.76/DGP's Peshi/2025 dated 24.10.2025 in its *stricto sensu*.

iii. Likewise, it shall be open to the respective parties to work out their legal remedies before the appropriate Civil Courts or competent forums, in terms of the law.

iv. It is hereby clarified that, if the police made out any cognizable offences against the petitioners, they are at liberty to proceed in accordance with the law;

There shall be no order as to costs.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 05.10.2026
Note: Issue C.C. by 07.10.2026
B/o.
PSA

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NOS: 1254, 1719, 329, 1766 and 2589 of 2025

Date: 05.10.2026

Note: Issue C.C. by 07.10.2026
B/o.
PSA